

(Rev. 4/97)

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

**ORIGINAL**

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

RONALD E. PROCTOR JR

(Enter above the full name of the plaintiff in this action)

v.  
Ch G. COVENTRY

ST. W. FAUST

AF. SALAS

(Enter above the full name of the defendant(s) in this action)

JOHN DOE I

DR. BROWN

BRIAN ENGSMAN\*

C.A. No. 04-1243 LIT.

1st JO. A. DEMAND

IMMINENT DANGER  
EXCEPTION

AMENDED 9-4-05

I Previous lawsuits

A. Have you begun other lawsuits in state or federal courts dealing with the same facts involved in this action or otherwise relating to your imprisonment?  
YES [ ☒ ] NO [ ☐ ]

\* B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).



Parties to this previous lawsuit

Plaintiffs SEE COMPUTER RECORDS

Defendants SEE COMPUTER RECORDS

\* THIS IS AN IMMINENT DANGER EXCEPTION CASE.

2. Court (if federal court, name the district; if state court, name the county)

D.Del 3rd Cir

3. Docket number

4. Name of judge to whom case was assigned

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit

7. Approximate date of disposition

II. A. Is there a prisoner grievance procedure in this institution? Yes ☒ No ☐

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes ☒ No ☐

C. If your answer is YES,

1. What steps did you take?

filed IMMEDIATE appeal  
EXCEPTIONS.

2. What was the result?

SMIS

D. If your answer is NO, explain why not

At

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes ☒ No ☐

F. If your answer is YES,

1. What steps did you take?

Told Lt Salas, wrote  
Prison Warden Z. Buehler.

2. What was the result?

No Result.

## III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff

RONALD E. BAKER JR

Address

DCC MHU.

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and place of employment of any additional defendants.)

B. Defendant

COUNTRY

is employed as

Guard

DCC MHU

DCC Smyrna

C. Additional Defendants

Sgt W. Faust (Same)

J. SALAS

T. John Dore

BRAN ENGBOM\*

## IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

UPON LEAVING CTEIR COUNTRY, SAID "PUT IN END OF PROX-TOR, WAS SAID TO START INVESTIGATE A RESPONSE AND CONDUCTIVE OF HEARINGS EVERY DAY NOW) SINCE 8-9-04 CDS ON 12-8 HAVE STARTED INCIDENTS THAT ARE INTENDED TO PROVOKE AND START ALTERCATIONS AND I HAVE NOTIFIED JT. 12-8 & JT. 8-4 (SALAS) AND FILED A 42 USC § 1983 AND TWO PREVIOUS EMER COMPLAINTS. AND IVE TOLD CDS CHANCELLER SGT. W. FAUST (O SHAUN) THAT I AM REPORTING EVERYTHING THEY SAY OR DO OR DO TO ME.

AS I LEFT THE TEIR AND WENT PAST THE MAIL BOX OUT INTO THE ALCOVE AREA AS I PASSED THROUGH THE ALCOVE AREA I AM PLANNING TO INCLUDE NOW ACCESS TO COURT SINCE 7-3-05

(CONT. #2)

#11/11/04

Co. Overdale Teller were all you going with  
 the Justice Factor. AS I took 3 stepping motions  
 to spit out the WATER/TOOTHPASTE in my mouth  
 Co. Overdale had advanced his ~~the~~ saying into  
 a threat:

"OW SO YOU DON'T WANT TO ANSWER  
 ME, HUH, YOU FUCKIN ASS HOLE"

AS he said this, I turned out-side, the final  
 above door and spit out my TOOTHPASTE + WATER so,  
 I could speak AS I turned Co. Overdale <sup>STRIKE</sup> ~~struck~~ me  
 on my right side of my chest area turning me  
 and then <sup>STRIKE</sup> ~~struck~~ me into my chest with both hands  
~~struck~~ striking me with enough force that I drove me  
 into the fence area, as he did this I had the  
 JETTER AND I STILL WAS SAYING CLEARLY.

"THIS IS A GRIEVANCE ISSUE  
 AND I'M TAKING IT UP TO THE  
 CONTROL TO CAPT. ROBINSON AS I  
 did the other day."



# 1142(A) (cont. 3)

AT THIS POINT THIS CP STILL TRIED TO TAKE THIS LETTER (BAGGY MARKED).

"E BUELL (ONLY)  
GIVEN TO P.D. ROBINSON ON 8-17-04 @ 5:30 AM

UPON SNATCHING THE LETTER OUT OF MY HAND WITH FURTHER FORCE CP BUELL DID THEN READ IT AND SAW THE ABOVE WAS NOT MAIL!

"THAT WAS WHEN I TOOK A STEP SAYING"  
"I'M GOING TO REPORT ALL YOUR  
ABUSES TO THE JT."

SGT W. FAUST THEN STRIKED MY MIDDLE CHEST AREA WITH ENOUGH FORCE THAT ~~WAS~~ CAUSED ME ALARM I THEN CLEARLY SAID....

"GET YOUR HAND OUT OF MY CHEST NOW."

AS I MOVED BACK TO GET AWAY FROM THIS C/O HE AGAIN TOOK HIS FIST AND STRUCK ME AGAIN, IN THE CHEST AREA, CAUSING ME ALARM AND INJURY TO MY PERSON. I AGAIN STEPPED BACK SAYING:

GET AWAY FROM ME YOU  
GET YOUR HAND-OUT OF MY  
CHEST NOW, . . . .

AS I STEPPED BACK I AGAIN SAID I'M GOING UP AND REPORT YOU TO THE CAPT. J. YOU CAN BET YOUR ASS ON THAT, YOU FUCKING ASS HOLE, YOU LEAD-UP TO THIS THE LAST WEEK YOU INTENDED TO START SOMETHING AND THEN ASSAULT ME. I'VE REPORTED EVERYTHING YOU'VE DONE AND SAID THE LAST WEEK.

THEN AS I TURNED C/O COUNTRY TOOK HIS LEFT FORE ARM AND CAME AT ME SGT FAUST WAS IN THE WAY AND COEN HITTING ME THE FIRST TIME, I STEPPED BACK TRYING TO GAIN MY FEETING

Sgt Faust Said. -- AS AN EXCITED LETTERANCE  
YOU GOT A MAJOR FOR DISORDERLY AND  
THREATENING BEHAVIOR. YOU CAME AT MY  
CP\*

AS I AGAIN, TRIED TO STAND. AND GET  
MY FOOTING, SGT Q FAUST, SAID

SEND, HIM BACK TO HIS CELL  
NOW, TAKE HIM BACK " . . . .

I THEN CLEARLY SAID . . . .

THE FUCKING LETTER WAS EVIDENCE  
AND YOU (CP COVENTRY ~~SAID~~ THREW), IT IN THE  
MAIL BOX I'M GOING TO REPORT THAT TO. SURE  
COME ON TAKE ME TO MY CELL YOU FUCK-BOY.  
IT WHAT YOU'VE INTENDED TO DO ALL WEEK  
NOW AND I'M GOING TO REPORT THAT ALSO.

\* NOTE IN DR. REPORT THIS IS NOT SAID!

# 11421A

(ONT 86)

AS I WALKED, BACK TO THE CELL  
BOTH C/O'S WALKED FAST AND TRIED TO  
MAKE BODY CONTACT IN ORDER TO START  
ANOTHER ALTERCATION.

AS I GOT TO MY CELL C/O COUNTRY  
SAID...

"HAW A NICE DAY ASSHOLE  
TOMORROW I GOT THE SOME THING  
FOR YOU"...

AS I JOLKED IN C/O COUNTRY WAS TRYING  
TO ALLOW MORE CONTACT SO HE COULD START  
SWARE AND I GRABBED MY DOOR AND SLAMMED  
IT CLOSED.

15 MINS LATER, ALL I/M'S RETURNED AND  
INMATES WILL ROGERS, KEVIN WILSON AND OTHER  
I/M'S STARTED SAYING..."

SO WE SAY WHAT THAT C/O  
DID TO YOU ARE YOU OK....



K114A TV CONT 11

I Took down Their NAMES, My Cell door did not open with other Cells And When CP BENTLEY Came up to my Cell he said. IN REPLY TO A STATEMENT BY BRANDON AYERS.

GETTING "Tired of his Bullshit..."

And As he opened the door I clearly Told this CP.

I'm going to report to the Captain up-front and I'm going to press-charges on you fuck boy and the day I get out I'm going to be in that parking lot and since we've lived here for 35 yrs me and you are going off state property to DEAD-MAN'S CURVE OR TO THE MARSH AND you'll get to finish you fuck-boy ASSAULT you just did to me . . . .

COVENTRY SAID

"You had your chance out-  
THERE ANT NO BETT SCARED OF  
YOU... YOU HAD YOUR CHANCE!

I SAID:

YEA: YOU PEEKS OF SHIT YOU  
THINK FOR / FUCKING MIN. I'M GOING  
TO DO SHIT TO YOU HERE ON STATE  
PROPERTY YOUR FUCKING CRAZY THIS  
IS YOUR WORLD RIGHT NOW FUCK-BOY  
YOU SEE, I'M GOING TUNT EVERY FUCKING  
DAY YOU PEEKS OF SHIT M.F.E.R., MARK MY  
WORDS M.F.E.R YOU'LL SEE.

AS HE SLAMMED THE DOOR HE SAID  
I GOT THE SOME THING FOR YOU  
TOMORROW AND I'M GOING TO  
WRITE DOWN ALL YOUR THREATS.

AS HE LEFT AT THE TIME I  
SAID...

"KEEP IT UP F-BOY YOU'LL  
SEE WORK MY F-WORDS  
BELIEVE THAT!

40 MINS LATER, C/O COVERTAID OPENED  
MY FOOT FLAP AND PUSHED A  
STYRO-FORM TRAY IN SAYING: ...

"HERE FUNK BOY I HAD THIS  
MADE JUST FOR YOUUUUU!

I NOTICED TRAY WAS NOT WRAPPED TIGHT  
AND LEFT IT THERE TO ALLOW A. J. TO SEE  
IT. OPEN IT UP.

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\* I AND  
A. J. HARVEY CONSPIRED IN MY PRESENCE AND NOTHING WAS  
DONE TO THE FOOD.

AT 8:10 AM I Reported T C/O Woods And  
 Pass A Emer. Medical ~~Condition~~ / Sick Call  
 S/P.

And AT

9:10 AM Jt E. Harvey Brought me a  
 write-up of #1142(B) B-1 B-2 B-3- B-4  
 I showed Jt E. Harvey TRAY and  
 we did write-up and I went to medical  
 where I stated my injuries. (NO PICTURES WERE  
 TAKEN)

MT. — said ICS and Dr Brown would  
 be ~~here~~ soon.

AT 2:00 PM. Dr Brown Refused  
 to order proper medical care  
 and from date of Incident 8-17-04  
 to 8-20-04 mailing 'no' Emergency medical  
 care was provided that Dr Brown ~~ordered~~



Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

**DISCIPLINARY REPORT**Disciplinary Type: Class1Housing Unit: Bldg 21IR#: 1014741

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00163750	Proctor, Ronald E J	DCC	21	08/17/2004	05:20

Violations: 1.06/200.203 Disorderly or Threatening Behavior, 2.05 Disrespect, 2.06/200.108 Failing to Obey an Order, 2.10/200.2 Lying, Disorderly behavior, Disrespect to staff. Making any personal threats to staff.

Witnesses: 1. N/A 2. N/A 3. N/A

**Description of Alleged Violation(s)**

As If On Above Date As We Were Running C Tier To Chow I/M Ronald Proctor #163750 Came Out With Some Mail Attached To His Shirt Pocket, I/M Has Been Warned Many Times In the Past That Nothing Is To Leave The Building Except A Institutional Grievance O The 12 To 8 Shift. As I/M Proctor Passed By The Mailbox He Was Asked By Me C/O Coventry What Are You Trying To Take Out C The Building Now. Proctor Failed To Respond So He Was Asked Again And He Mumbled Something Under His Breath And Wave His Arm At Me As If He Was Dismissing Me And Kept Walking. I/M Was At This Time Ordered By Me To Stop And Show Me What He Had. I/M Refused Said Order. I/M Was Ordered To Give Me What He Had So It Could Be Inspected And Again He Refused. At This Time C/O S. Ettinger Stepped In To Assist If Needed And I Went To Take The Item From Proctor. As I Reached Out And Grabbed His Arm To Stop Him And Get Said Item He Jerked His Arm From Me And Stated "Get Off Of Me You No Good Mother Fucker" Sgt Faust Saw I/M Proctor Was Causing A Problem And Came To Assist Also. Proctor Was Pushed Up Against The Fencing And Iter Was Removed From Him As He Continued To Resist Giving It Up For Inspection. Sgt Faust Ordered Him More Than Once To Stop Resisting And Comply With The Officers Order. Proctor Started With More Profanity And Also Threats. Proctor Stated "You Fucker With The Wrong One Now, I Can Make A Phone Call And Have You Taken Out. When I Get Out I Will Come Looking For You And You Will End Up At Dead Mans Curve Or Dead Mans Lake" Stg Faust Ordered Us To Take I/M Proctor And Secure Him In His Cell And As We Escorted Him Towards It He Continued With The Threats And Profanity Untill He Was Secured In His Cell.

Reporting Officer: Coventry, George (Booking/Receiving Room Officer)

**Immediate Action Taken**

Immediate action taken by: Coventry, George -Booking/Receiving Room Officer

1) Ir And Dr Forms Completed, 2) Mhu Area Lt. Notified Of Write Up.

**Offender Disposition Details**

Disposition: N/A Date: N/A Time: N/A Cell secured? No

Reason: N/A

Disposition Of Evidence: N/A

**Approval Information**

Approved: ☐ Disapproved: ☐ Approved By: ( )

Comments: N/A

**Shift Supervisor Details**

Date Received: \_\_\_\_\_ Time: \_\_\_\_\_ Received From: \_\_\_\_\_

**Shift Supervisor Determination:**

- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for \_\_\_\_\_ hours not to exceed 24 hours)
- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

**DISCIPLINARY REPORT**Disciplinary Type: Class1Housing Unit: Bldg 21IR#: 1014741

I have received a copy of this notice on **DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing  
Officer: \_\_\_\_\_

Offender: \_\_\_\_\_

Proctor, Ronald E J

DR #
1012030

#11428-3

Date: Aug 17, 2004

DCC Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

**NOTICE OF DISCIPLINARY HEARING – FOR MINOR/MAJOR OFFENSE**

To: Inmate: <u>Proctor, Ronald</u>	SBI#: 00 <u>1163750</u>	Housing Unit: <u>111021</u>
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- You will be scheduled to appear before the Hearing Office to answer charges pending against you. (Staff are to explain the charges as listed on the 122).
- At that time, a hearing will be held to determine whether you violated Institutional Rule(s) as alleged in the attached Disciplinary Report.  
  
How do you plead? ☐ Guilty ☒ Not Guilty
- A "Minor Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
  - Written Reprimand.
  - Loss of one or more privileges for a period of time of more than 24 hours but less than 15 days.
- A "Major Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
  - Loss of one or more privileges for a period of more than 15 days but less than 60 days.
  - Confinement to assigned quarters for a period of time not to exceed 30 days.
  - Isolation confinement for a period of time not to exceed 15 days.
  - Loss of good time for a period of time not to exceed 30 days. (Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.)
- You have the rights in the disciplinary process as stated on the lower and back of this page. These have been fully explained to you at the time of this notification.

- Counsel requested? ☐ Yes ☒ No Name of Counsel: self
- Confront accuser? ☒ Yes ☐ No
- Witness requested? ☒ Yes ☐ No Name of Witness: Kevin Wilson  
Brandon Ayers  
Will Rogers

I certify that on 8/17/04 at 0910  
(Date) (Time)

I served upon the above inmate this notice of Disciplinary Hearing for Minor/Major Offense and the Disciplinary Report is attached hereto.

[Signature]  
(Employee's Signature & Title)

I have received copies of 122 & 127 and understand my rights as Form #127 has been read to me.

[Signature]  
(Inmate's Signature)

[illegible]

Officer's Signature Who Invented Property

\_\_\_\_\_, on \_\_\_\_/\_\_\_\_/\_\_\_\_, at \_\_\_\_\_, by \_\_\_\_\_, within \_\_\_\_\_  
(Person Transferring Property) (Date) (Time) (Person Receiving Property) Unit

\_\_\_\_\_, on \_\_\_\_/\_\_\_\_/\_\_\_\_, at \_\_\_\_\_, by \_\_\_\_\_, within \_\_\_\_\_  
(Person Transferring Property) (Date) (Time) (Person Receiving Property) Unit

\_\_\_\_\_, on \_\_\_\_/\_\_\_\_/\_\_\_\_, at \_\_\_\_\_, by \_\_\_\_\_, within \_\_\_\_\_  
(Person Transferring Property) (Date) (Time) (Person Receiving Property) Unit



Delaware Department of Correction  
Health Care Services Fee Sheet

Inmate Name \_\_\_\_\_ SBI # \_\_\_\_\_  
(Last, First MI)

Facility \_\_\_\_\_ Date \_\_\_\_\_

☐ Chargeable Visit \$4.00  
☒ Non Chargeable Visit -0-  
☐ Medication Handling Fee (\$2.00 X \_\_\_\_\_) \$ \_\_\_\_\_

Total Amount Charged To Inmate Account \$ \_\_\_\_\_

Health Care Staff Signature: \_\_\_\_\_

I CERTIFY BY MY SIGNATURE THAT I HAVE RECEIVED THE SERVICES DESCRIBED ABOVE.

Inmate Signature: \_\_\_\_\_ Date: 8/17/06

1) \*Witness Signature: \_\_\_\_\_ Date: 7/17/06

2) \*Witness Signature: \_\_\_\_\_ Date: 8-17-06

The fee for services rendered will be deducted from your inmate account even if the amount deducted generates a negative balance. Any funds received by you will first be applied to any negative balance. Any negative balance remaining on your account when you are released will remain active for three (3) years after the date of release. Should you return to Delaware Department of Correction as an inmate within that three (3) year period, the negative balance will be applied to your inmate account on your new commitment.

Distribution:

Original: Facility Business Office      Posted/Entered by \_\_\_\_\_ Date \_\_\_\_\_  
 Copy: Inmate Medical Record (yellow)  
        Inmate (pink)

\*Only needed if inmate refuses or is unable to sign.

FORM #: 621

3 part NCR

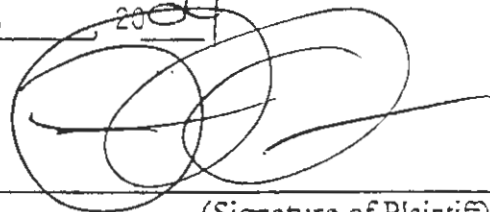
V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments.

Cite no cases or statutes.)

T.R.O. - ON MEDICAL AND CONTACT W/ COURT  
COVERING \$100,000 FOR PERSONAL INJURIES  
AND \$100,000 FROM ALL RESPONDENT INJURIES  
WHO FAILURE CAUSE THIS TO BECOME IMMINENT  
DANGER EXCEPT AND FAILURE TO PROTECT.

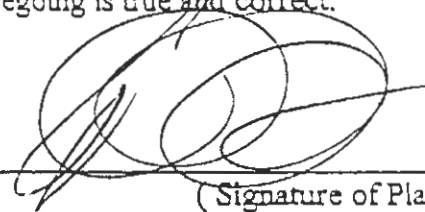
Signed this 18 day of August 2004



(Signature of Plaintiff)

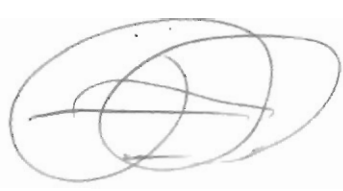
I declare under penalty of perjury that the foregoing is true and correct.

8-18-04  
Date



(Signature of Plaintiff)

9-4-05





# FIRST CLASS MAIL

U.S.M.S  
X-RAY



✓  
Fed Mail

Clark (Ron)  
U.S. District Court  
844 King St  
Wilmington, Delaware  
19801

02-99-2-086244 \*\*\*\*\*  
RON PROCTOR JR 163150  
1181 PADDOCK RD  
SMYRNA, DE 19977-9679

